

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

IDA LOUISE CORK

PLAINTIFF

VS.

CIVIL ACTION NO. 1:09CV240-DAS

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

DEFENDANT

FINAL JUDGMENT

Pursuant to a hearing held before the undersigned United States Magistrate Judge on August 4, 2010, the court determined that the ALJ's decision is not supported by substantial evidence and that this case should be remanded to the Commissioner for additional proceedings. On remand, at step 3 of the sequential evaluation process, the ALJ shall factor in the claimant's morbid obesity; and, if necessary, discuss it in accordance with *Audler v. Astrue*, 501 F.3d 446 (5th Cir. 2007). Additionally, the ALJ shall evaluate the opinion of the claimant's treating physician in accordance with *Newton v. Apfel*, 209 F.3d 448 (5th Cir. 2000). Furthermore, if the ALJ proceeds beyond step 3 of the sequential evaluation process, the claimant's morbid obesity must be considered in the residual functional capacity determination. Lastly, the ALJ shall conduct any further proceedings not inconsistent with this order.

The parties, having consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit,

IT IS, THEREFORE, ORDERED AND ADJUDGED:

That this case is hereby **REMANDED** to the Commissioner for further proceedings as set out above.

THIS, 5th day of August, 2010.

/s/ David A. Sanders
U. S. MAGISTRATE JUDGE